

EMPOWERMENT BOARD, IOWA[349]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 28.4, the Iowa Empowerment Board hereby gives Notice of Intended Action to amend Chapter 1, "Community Empowerment," Iowa Administrative Code.

The proposed amendments to Chapter 1 add definitions and incorporate language placed into the Iowa Code during the 2006, 2007 and 2008 legislative sessions and update the rules overall. The amendments add definitions for "fiscal assessment," "home visitation," and "preschool programming support services"; rescind definitions for "community empowerment gifts and grants account" and "core functions"; amend definitions for "early childhood business committee," "first years first," "parent education," "state agency" and "state empowerment team"; update Iowa Empowerment Board membership; clarify language regarding the responsibility of community empowerment boards and the carryforward-of-funds process; and add references to the criteria for use of first years first funds (See **ARC 7640B**, IAB 3/25/09, for proposed 541—Chapter 13).

Any interested person may make written suggestions or comments on the proposed amendments on or before April 28, 2009. Such written materials should be sent to the Facilitator, Office of Empowerment, Iowa Department of Management, State Capitol Building, Des Moines, Iowa 50319; by facsimile to (515)281-4225; or by electronic mail to shanell.wagler@iowa.gov.

A public hearing will be held on April 28, 2009, at 10 a.m. in Room 142 at the Lucas State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Shanell Wagler at (515)281-4321 to advise of specific needs.

These amendments are intended to implement Iowa Code chapter 28.

The following amendments are proposed.

ITEM 1. Rescind the definitions of "Community empowerment gifts and grants account" and "Core functions" in rule **349—1.4(28)**.

ITEM 2. Amend rule **349—1.4(28)**, definitions of "Early childhood business committee," "First years first," "Parent education," "State agency" and "State empowerment team," as follows:

"*Early childhood business committee*" means a committee created by the Iowa board to advise the Iowa board on the use of the ~~community empowerment gifts and grants~~ first years first account funds and to support implementation of the business community investment advisory council ~~recommendations~~.

"*First years first*" means a public-private partnership for early childhood in Iowa- which includes an account created in the Iowa empowerment fund under the authority of the department of management to be used for first years first.

"*Parent education*" means ~~any developmentally appropriate information provided to or facilitated with individuals who function in the role of parents or expectant parents. programs that implement organized and planned meetings designed to support parents' efforts to enhance their children's health and development.~~ Parent education may be provided in a group setting or one-on-one in a family's home or alternate location. It is generally limited in scope and duration, typically lasting for 8 to 12 weeks. Parent education programs have the following characteristics:

- Provide parents with information, skills, support systems and confidence in their parental role in order to support, nurture and promote children's health and development;
- Strengthen positive relationships between parents and children;
- Build on parents' strengths and utilize their experiences, ideas and knowledge; and

- Provide information that meets the needs of parents for specific content and that is shared in a manner that is responsive to a parent's learning style, education and culture.

"State agency" means a department of the executive branch including, but not limited to, the departments of economic development, education, human rights, human services, public health, ~~human services and human rights~~ and workforce development.

"State empowerment team" means the central office of empowerment in the department of management and identified personnel from the state ~~agencies~~ departments of economic development, education, human rights, human services, public health, ~~human services, and human rights~~ and workforce development to provide the day-to-day operational work of local- and state-level community empowerment and support to the Iowa board.

ITEM 3. Adopt the following new definitions in rule **349—1.4(28)**:

"Fiscal assessment" means a comprehensive listing of funding to support children prenatal through five years of age.

"Home visitation" means a strategy to deliver family support or parent education services. A home visit is a face-to-face visit with a family in the family's home or other alternate location to facilitate meeting the family's goals.

"Preschool programming support services" means assistance with preschool tuition not covered by another source for families who have children aged three, four, or five and who meet the eligibility requirements; support for transporting children to and from preschool services; or services that directly enhance or expand existing programming for children.

ITEM 4. Amend paragraph **1.5(3)"i"** as follows:

i. Work with the state and local components of the community empowerment initiative, ~~shared visions programs funded under Iowa Code chapter 256A,~~ and other public and private efforts to improve the early care system.

ITEM 5. Amend subrule 1.6(1) as follows:

1.6(1) Membership. The Iowa board shall consist of ~~18~~ 22 voting members: ~~13~~ 16 citizen members and ~~5~~ 6 state agency director members. ~~Six~~ Four legislators shall serve as nonvoting members.

a. ~~Five~~ Six members shall be the directors, not the designees, of the state ~~agencies~~ departments of economic development, education, human rights, human services, ~~and public health, and workforce development.~~

b. The ~~13~~ 16 citizen members shall be appointed by the governor, subject to confirmation by the senate.

(1) Appointments of citizen members shall ensure that each of the state's congressional districts is represented by at least two citizen members.

(2) to (4) No change.

c. No change.

ITEM 6. Amend subparagraphs **1.6(3)"d"(5)** and **(6)** as follows:

~~(5) —Core functions for family support, parent support and preschool services provided through the community plan.~~

~~(6) (5)~~ Integration of statewide quality standards and results indicators adopted by other boards and commissions into the Iowa empowerment board's funding requirements for investments in early care, education, health, and human services.

ITEM 7. Amend paragraph **1.6(3)"m,"** introductory paragraph, as follows:

m. The Iowa board shall establish a process for designation to occur every three ~~fiscal~~ years.

ITEM 8. Amend subparagraph **1.6(3)"o"(1)** as follows:

(1) Information provided on the Internet Web page shall include but not be limited to all of the following:

1. The Iowa early learning standards for children aged birth to three and three to five, ~~proposed by the early learning standards group created pursuant to federal child care and development block grant requirements and with assistance from the Iowa child care and early education network, department~~

~~of education, department of human services, Iowa head start association, and Iowa state university of science and technology, as prepared with consideration of the standards and recommendations issued by the United States Department of Education regarding early childhood cognitive development and learning and preschool and research based standards for high quality early care, including but not limited to the practices identified by the Institute of Education Sciences of the United States Department of Education. As early learning standards are identified in law, the proposed standards posted on the Web page shall be replaced with the standards identified in law.~~

2. to 4. No change.

ITEM 9. Amend subrule 1.8(2) as follows:

1.8(2) Responsibility.

a. A community board shall:

(1) Obtain extensive community input to develop a mission and a vision for the empowerment area.

(2) Designate a fiscal agent from a public agency, a community action agency, an area education agency or a nonprofit corporation.

(3) Administer, at a minimum, the community empowerment funds from the state awarded for the empowerment area.

(4) Administer funds as provided by law or from other federal, state, local, grant, foundation, or private moneys or other funds.

(5) Ensure that interest or earnings on the community empowerment funds will be used for services in the community plan.

(6) Coordinate with the decategorization governing boards on the community plan and budget for the empowerment geographic area.

(7) Develop and implement a community plan; which addresses sustainability, with identified priorities, current needs, gaps and services, based on community assessments which address early care, human service, education and health needs to support children prenatal through five years of age and their families ~~to reach~~ in reaching desired results. At a minimum, the community plan shall include:

1. A description of current and desired levels of community coordination of services for children prenatal through five years of age, including the involvement and specific responsibilities of all related organizations and entities.

2. A fiscal assessment that identifies federal, state, local and private funding sources and funding amounts available in the empowerment area for use in providing services to children prenatal through five years of age.

3. A description of how funding sources will be used collaboratively and the degree to which the moneys can be combined to provide necessary services to children.

4. Priorities the community board expects to achieve through the implementation of the community plan and the program performance measures to be reported in the annual report.

5. A description of the support services provided in the empowerment area to child care facilities registered or licensed under Iowa Code chapter 237A to prevent the spread of infectious diseases, prevent child injuries, develop health emergency protocols, help with medication, and care for children with special health needs.

6. A process for evaluating progress.

(8) Ensure that an annual report for the empowerment area on the effectiveness of the community plan is submitted each fiscal year on or before September 15 to the Iowa board and to local governing bodies in the empowerment area. The annual report shall:

1. ~~Complete a budget~~ Provide information that identifies existing sources of funding, including in kind and match, and how these funds may be coordinated with the early childhood and school ready funds to support the community plan.

2. Identify members of the community board, including each member's representation.

3. Identify local empowerment area indicators to assess the effectiveness of the community plan. Include baseline data, three years of trend data, data source(s), the linkage to desired results, and data analysis to support the identified indicators.

4. ~~Provide measures, data, facts and statistics, including analysis, on progress of the~~ a description of community collaboration and the community plan within the empowerment area.

5. ~~Include baseline data and the ensuing fiscal year's data for local indicators, identify priorities, link local indicators to desired results, and report performance measures. Provide updates or changes to the community plan.~~

6. Provide performance measures for programs and activities funded, including state-required measures, through the early childhood and school ready grant funds.

7. Include financial statements for both early childhood and school ready grant funds.

(9) ~~Provide for staff to~~ staffing for the empowerment area and community board through the collaborative efforts of public and private organizations committed to reaching desired results for children and their families.

~~(10) Develop a plan to sustain community efforts to support children and their families within the empowerment area.~~

~~(11) Function as a coordinating body for collaboration and alignment of services, which are offered by different entities and directed toward similar purposes, within the empowerment area.~~

~~(12)~~ (10) Assume other responsibilities established by law or administrative rule.

b. A community board may:

(1) Designate one or more committees for oversight of empowerment funds awarded to the empowerment area. Committees make recommendations to the community board and have no decision-making authority.

(2) Develop, within the empowerment area, neighborhood bodies for community-level input to the community board and implementation of the community plan. Representatives who serve on these bodies advocate, make recommendations, provide expertise, suggest public policy, and provide guidance to the community board.

~~(3) Implement the Iowa board's process to award funds at the beginning of the fiscal year to service providers.~~

~~(4) Establish an advisory council with representatives from the empowerment area to advocate, make recommendations, provide expertise, suggest public policy, and provide guidance to the community board. The community board may appoint an advisory council including members who are professionals knowledgeable in the fields of health, human services, early care, and education.~~

~~(5)~~ (3) Apply to the Iowa board or state agencies for waivers in order to administer categorical funds for services provided in the empowerment area which support the desired results for children and their families.

~~(6)~~ (4) By mutual written agreement between the community board, the decategorization board, and the state department of human services, assume the duties of the decategorization board, or the decategorization board may serve as a committee of the community board.

(5) Function as a coordinating body for collaboration and alignment of services offered by different entities and directed toward similar purposes within the empowerment area.

ITEM 10. Amend rule 349—1.9(28) as follows:

349—1.9(28) Iowa empowerment fund. An Iowa empowerment fund is created in the state treasury as specified in Iowa Code section 28.9. A school ready funding account is created in the Iowa empowerment fund under the authority of the Iowa board to be administered by the director of the department of education. Moneys credited to the account shall be distributed by the department of education to designated empowerment areas pursuant to criteria established by the Iowa board in accordance with law. An early childhood funding account is created in the Iowa empowerment fund and shall be distributed by the director of the department of human services to designated empowerment areas pursuant to criteria established by the Iowa board in accordance with law. A ~~community empowerment gifts and grants~~ first years first account is created in the Iowa empowerment fund under the authority of the department of management. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the

account are appropriated to the department of management to be used for first years first. Interest or earnings on moneys deposited in the Iowa empowerment fund shall be credited to the fund.

ITEM 11. Amend rule 349—1.10(28) as follows:

349—1.10(28) Iowa empowerment funds.

1.10(1) Purpose. The purpose of Iowa empowerment funds is to:

- a. Encourage early intellectual stimulation of very young children;
- b. Increase the basic skill levels of students entering school;
- c. Increase the health status of children;
- d. Reduce the incidence of child abuse and neglect;
- e. Increase ~~parents'~~ a family's involvement with ~~their~~ the family's children; and
- f. Increase the quality and accessibility of child care and preschool.

1.10(2) Criteria for the use of early childhood funds. Use of early childhood funds is defined in department of human services 441—Chapter 169, Iowa Administrative Code.

1.10(3) Criteria for school ready funds. School ready funds may be provided according to the community plan following community assessment of assets, resources and needs and identification of priorities.

a. Services, ~~at a minimum~~ in a community plan, may include, but are not limited to:

- (1) Child development services.
- (2) Child care services.
- (3) Child care provider training on a child's early learning experience.
- (4) Children's health and safety.
- ~~(5) Assessment services to identify chemically exposed infants and children.~~
- ~~(6) (5) Parent Family support services and parent education.~~
- ~~(7) (6) Preschool programming support services for children at risk.~~

b. Up to 3 percent, ~~not to exceed \$60,000~~, of annual school ready funds may be used by the community board for administrative costs and other implementation expenses.

c. Empowerment areas ~~are encouraged to~~ shall commit approximately 60 percent of the remainder of school ready funds to family home visitation and parent support to family support services and parent education programs targeted to families with children who are prenatal through five years of age based upon a local community needs assessment.

d. The Iowa board will incorporate statewide quality standards and results indicators adopted by other boards and commissions into the Iowa board's funding requirements for investments in early care, education, health, and human service.

e. Eligibility to receive school ready funds shall be limited to designated empowerment areas.

f. School ready funds may be adjusted for other federal and state grant moneys received by the empowerment area.

g. Distribution of school ready funds shall be in accordance with directives in the current legislative appropriation of these funds.

1.10(4) Criteria for first years first funds. Use of first years first funds is defined in department of management 541—Chapter 13, Iowa Administrative Code.

~~**1.10(4) 1.10(5) Method for carryforward of funds.** The Iowa board shall identify and apply limitations on the carryforward amount of school ready children grant funding the Iowa empowerment board may carry forward annually shall not exceed 20 percent. Carryforward of funds cannot exceed three years. School ready children grant funds received by a community empowerment board in a fiscal year shall be carried forward to the following fiscal year. However, any funds that remain unencumbered and unobligated at the end of the fiscal year in excess of 20 percent of the funds received in a fiscal year shall be subtracted by the Iowa empowerment board from the allocation to the community empowerment board for the following fiscal year.~~

~~The Iowa board defined an unusually high percentage as 30 percent of the annual school ready allocation, based on an accrual reporting system. For fiscal years ending after July 1, 2006, empowerment areas reporting a carryover balance of school ready funds in excess of 30 percent of the previous year's~~

~~allocation will receive a reduction equal to the excess amount above the 30 percent in their next year's school ready allocation, based on accrual reporting.~~

~~All local community empowerment areas receive an automatic waiver for fiscal year '06 because of the significant increased allocation and stipulations to the school ready fund for fiscal year '06. Beginning in fiscal year '07, local CEAs shall file an appeal to the Iowa board to carry forward more than 30 percent of their annual school ready allocation. The appeal would provide an opportunity for local CEAs to explain their special circumstances, the particular use designated for the carryforward funds, how this action is in alignment with their community plan, and how this plan benefits Iowa's children and families.~~

~~Any excess carryforward funds will be distributed to all local boards, through the formula, for locally identified activities that are within the guidelines for use of school ready funds.~~